

MINUTES OF MEETING

A meeting of the Chiropractic Physicians' Board of Nevada was held on Tuesday, November 15, 2005 in Conference Room B111 at Kietzke Plaza, 4600 Kietzke Lane, Reno, Nevada 89502

The following Board members were present at the roll call:

Stephanie Youngblood, DC, President
Margaret Colucci, DC, Vice President
Donald H. Miner, DC, Secretary
ElizaBeth Webb Beyer, RN, JD, Consumer Member
David Howard, Consumer Member
Curtis Potts, DC, Member
Ian Yamane, DC, Member

CPBN President Dr. Stephanie Youngblood determined that a quorum of the Board was present and called the meeting to order at 10:10 AM. Dr. Youngblood introduced the Board's new Consumer Member, ElizaBeth Beyer. Also present were Deputy Attorney General David Newton, and CPBN Executive Director Cindy Wade.

AGENDA ITEM 1 Dr. Miner moved that the agenda be approved. Dr. Colucci seconded the motion and it passed unanimously.

AGENDA ITEM 2 Dr. Colucci moved for approval of the October 14, 2005 meeting minutes. Dr. Potts seconded and the motion passed unanimously.

AGENDA ITEM 3 There was no public interest comment.

CONSENT CALENDAR

Cindy Wade requested that Agenda Item No. 4 be pulled from the Consent Calendar due to changes that have occurred since the agenda was published. Dr. Miner moved for approval of all items under the Consent Calendar except No. 4, as follows:

AGENDA ITEM 5 **Approve** Corey Matthews, DC, of Boise, Idaho, to monitor remainder of probation of Dr. Andrew Kidder.

AGENDA ITEM 6 Approve Executive Director Reports:

- A. Financial:
 - 1. Bank balance as of November 1, 2005
 - 2. Accounts Receivable as of November 1, 2005
 - 3. Accounts Payable as of November 1, 2005
 - 4. Extraordinary Items/Items of Concern
- B. Status of Complaints Received
- C. Status of Current Probations
- D. Legal/Investigatory:
 - 1. Costs since last report
 - 2. Costs year-to-date
 - 3. Costs collected since last report
 - 4. Costs collected year-to-date

AGENDA ITEM 7 Approve Investigator's Report.

Dr. Colucci seconded the motion and it passed unanimously.

ADMINISTRATIVE AGENDA

AGENDA ITEM 8 Applicant Reza Ghassemi, DC, and his attorney, Brent Harsh, were present to address the matter of the possible approval of granting of a license to Dr. Ghassemi, who passed the November 9, 2005 examination, and possible action to be taken based on Case No. 05-24. Dr. Miner explained the nature of the allegations in Case No. 05-24 which alleges that Dr. Ghassemi had practiced chiropractic without a license. Mr. Harsh stated that his client will stipulate to the Board's jurisdiction and was granted time to consult with his client in private.

AGENDA ITEM 4 Dr. Miner moved to grant DC licenses to the following:

Mitchell S. Boltz, DC	Ayako Nakano, DC
Brian Grimwood, DC	Norman C. Sussman, DC
Roman Hentish, DC	Frank M. Tsuei, DC
Antranig V. Jerian, DC	Luis F. Valera, DC
Katrin Kaleta, DC	

Dr. Colucci seconded and the motion passed unanimously.

AGENDA ITEM 8 (cont'd) Mr. Harsh stated that all conflicts have been resolved in this matter in that he no longer represents the licensee who is also named in Case No. 05-24. Dr. Ghassemi described his activities for several months in the summer of 2005 during which he admittedly did practice chiropractic without a license.

Dr. Ghassemi responded to questioning from the Board. Dr. Miner recused himself from further involvement as the investigating Board member in this matter. Following discussion regarding appropriate penalties to be rendered in this matter, Dr. Potts recused himself because he is acquainted with the licensee who is named in this case.

AGENDA ITEM 8 (cont'd) David Howard moved that Dr. Ghassemi be placed on probation for two years, pay a fine and be required to attend 24 hours of continuing education. Dr. Yamane stated that the subject of the continuing education should be specified. Mr. Howard withdrew his motion. Dr. Colucci moved that Dr. Ghassemi be granted a license, that he be placed on probation for two years, that he be required to attend 24 hours of continuing education, 12 hours per year, on the subject of risk management in addition to the 12 hours per year required for license renewal, and that he be fined \$2,000 and reimburse the Board's costs to be paid over the two-year probation. Dr. Yamane seconded and the motion passed with all in favor.

AGENDA ITEM 10 At Dr. Miner's request, Cindy Wade recounted the problems that are currently being experienced with several licensees who are not complying with the conditions of Board Orders. The restrictions of NRS 634.200, subsection 2, were discussed and Mr. Newton will conduct some research into the legislative intent of this statute. Dr. Yamane moved to assign Don Miner, Cindy Wade and Gina Crown to review disciplinary action history and propose a policy for enforcement of disciplinary action defaults. Mr. Howard seconded the motion and it passed unanimously.

AGENDA ITEM 12 Dr. Miner stated that currently the four at-large positions are not enough to change the NBCE by-laws with respect to term limits, therefore, the impetus needs to come from the profession at large. Dr. Yamane moved that the CPBN take the position that the NBCE needs to establish term limits. Mr. Howard seconded and the motion passed unanimously.

AGENDA ITEM 9 Scott Wiese, DC, and his attorney Joe Colvin were present. The Board reviewed the Motion to Reconsider the Reinstatement of Dr. Scott Wiese's Chiropractic License. Dr. Wiese failed to pass the CPBN Law Test with a score of 66%, which was one of the requirements stipulated by the Board for reinstatement of his license. Following considerable discussion with respect to the applicable laws in this matter, Dr. Wiese was sworn in. He testified that taking a test only shows his ability to take a test but is not a test of his competency to practice. He stated that he did not do well on the test because he has dyslexia. He stated that his record of many years of practice should be the criteria used in considering reinstatement of his license.

Ms. Beyer moved to open this matter to reconsideration of the Board's previous decision. Mr. Howard seconded and the motion passed with all in favor. Dr. Miner moved that under the authority of NRS 634.204 the Board reinstate Dr. Wiese's license for 6 months with the provision that he take and pass the National Board SPEC Test and the CPBN Law Test within 6 months, that he provide medical proof of his dyslexia within 30 days, and that he be assigned a compliance officer approved by the Board and to be paid by Dr. Wiese to monitor his practice and report to the Board monthly; if Dr. Wiese has not met all of the requirements by May 15, 2006 his license will be voluntarily surrendered on that date. Mr. Howard seconded and the motion passed with all in favor.

AGENDA ITEM 11 Dr. Miner stated that the Board members' evaluations of the Executive Director's job performance were high and that the recommendations for a cost of living increase averaged 3% and for merit were between 3-8%. Dr. Miner moved to grant Executive Director Cindy Wade a 3% cost of living increase and a 5% merit increase totaling 8%. Dr. Youngblood seconded and the motion passed with all in favor except Dr. Colucci who was temporarily absent from the meeting.

AGENDA ITEM 13 The need to establish regulation of minimum standards of record keeping, x-ray, billing, etc., was considered. Dr. Yamane moved to have copies of the NCA Practice Management Guidelines sent to all Board members who should be prepared to determine which issues should be addressed at the next four Board meetings. Motion was seconded by David Howard and passed unanimously.

AGENDA ITEM 14 Under Committee Reports, Dr. Miner reported that the Board's legislative lobbyist will resume her work for the Board after the first of the year to develop proposed statutory and regulation changes.

Dr. Colucci reported that the next CA exams will be administered on February 24, 2006.

AGENDA ITEM 15 Cindy will send a copy of the form letter currently being used to resolve minor advertising violations to Mr. Newton for his approval.

AGENDA ITEM 16 The next meeting will be scheduled for either January 13-14, 2006 or January 27-28, 2006.

AGENDA ITEM 17 Cindy Wade thanked the Board for her salary increase.

AGENDA ITEM 18 There was no further comment or business and the meeting was adjourned.

Approved: January 27, 2006

Ian K. Yamane, DC, Secretary